

**THORPE  
NORTH &  
WESTERN L.L.P.**  
SINCE 1979  
THE TEAM APPROACH TO PREMIER PERFORMANCE®

INTELLECTUAL PROPERTY LAW

PATENTS, TRADEMARKS,

COPYRIGHTS, UNFAIR

COMPETITION, TRADE SECRETS,

LITIGATION, DISPUTE RESOLUTION

AND RELATED MATTERS

**SALT LAKE AREA OFFICE**  
8180 SOUTH 700 EAST, SUITE 200  
SANDY, UTAH 84070-0562  
801.566.6633  
801.566.0750 FAX  
PATLAW@TNW.COM  
WWW.TNW.COM

**U.S. MAILING ADDRESS**  
P.O. Box 1219  
SANDY, UTAH 84091-1219

**LAS VEGAS AREA OFFICE**  
OF COUNSEL: NEIL J. BELLER †  
7408 WEST SAHARA  
LAS VEGAS, NEVADA 89117  
702.368.7767  
† ADMITTED IN NEVADA

VAUGHN W. NORTH  
M. WAYNE WESTERN  
GARRON M. HOBSON  
PETER M. DE JONGE  
CLIFTON W. THOMPSON  
STEVE M. PERRY  
WEILI CHENG, PH.D.  
DAVID R. MCKINNEY, PE.  
GARY P. OAKESON  
DAVID W. OSBORNE  
DAVID L. STOTT  
JASON R. JONES  
PAUL C. OESTREICH, M.S.  
ERIK S. ERICKSEN, M.S.  
REGISTERED PATENT ATTORNEYS

NATHAN S. WINESETT  
OF COUNSEL

BRYAN K. HANKS  
PATENT AGENT

ALEX HAYMOND, B.S. EE  
TODD B. ALDER, PH.D.  
JONATHAN M. BENNS, PH.D.  
AARON M. SMITH, B.S. EE  
WILLIAM T. RALSTON, PH.D. EE  
TECHNICAL CONSULTANTS

CALVIN E. THORPE  
(1938-1999)

September 30, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/607,844 filed 06-27-03  
Applicant: Holbrook  
Title: **METHOD FOR MAKING A SANDWICH**  
Group Art Unit:  
Attorney Docket No. T8727.DIV

Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 16 references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

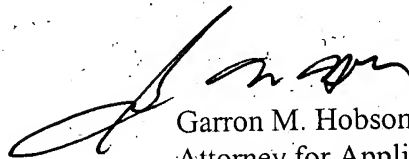
- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☒ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. \_\_\_\_\_ in the amount of \_\_\_\_\_ (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Respectfully submitted,

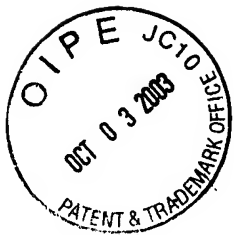


Garron M. Hobson  
Attorney for Applicant  
Registration No. 41,073

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

GMH/skp

H:\FILES\T8000\T8727\T8727DIV\IDSTransmittal-09-24-03.doc



IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT:

EXAMINER:

APPLICANT: Holbrook

SERIAL NO.: 10/607,844

FILED: 6/27/2003

CONFRM. NO.:

FOR: METHOD FOR MAKING A SANDWICH

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: Sep 30, 2003

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Garron Hobson

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

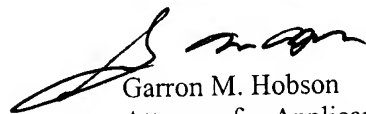
In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 30 day of September, 2003.

Respectfully submitted,



Garron M. Hobson  
Attorney for Applicant  
Registration No. 41,073

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. T8727.DIV	SERIAL NO. 10/607,844
<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 2px solid black; border-radius: 50%; text-align: center; color: black; font-weight: bold; line-height: 1;">             CIP E JCI              OCT 03 2003              PATENT &amp; TRADEMARK OFFICE           </div> </div>		APPLICANT Clayton T. Holbrook	
		FILING DATE June 27, 2003	GROUP

## LIST OF PRIOR ART CITED BY APPLICANT

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,656,968	April 18, 1972	Allen			
	AB	3,690,898	Sept. 12, 1972	Partyka			
	AC	3,909,881	Oct. 7, 1975	Anderson			
	AD	4,888,192	Dec. 19, 1989	Ramnarine			
	AE	4,959,235	Sept. 25, 1990	Aquino, et al.			
	AF	4,963,377	Oct. 16, 1990	Rimmeir			
	AG	5,194,283	Mar. 16, 1993	Dupas, et al.			
	AH	5,540,943	July 30, 1996	Naramura			
	AI	5,567,455	Oct. 22, 1996	Alsbrook, Sr.			
	AJ	5,622,742	April 22, 1997	Carollo			
	AK	5,641,527	June 24, 1997	Burger			
	AL	5,780,082	July 14, 1998	Rebeaud			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AM							
	AN							
	AO							
	AP							
	AQ							


## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. T8727.DIV	SERIAL NO. 10/607,844
		APPLICANT Clayton T. Holbrook	
		FILING DATE June 27, 2003	GROUP

## LIST OF PRIOR ART CITED BY APPLICANT

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	5,807,599	Sept. 15, 1998	Wwosberger et al.			
	BB	5,900,265	May 4, 1999	Rutherford			
	BC	6,004,596	Dec. 21, 1999	Kretchman, et al.			
	BD	6,228,406	May, 8, 2001	Borzuta			
	BE						
	BF						
	BG						
	BH						
	BI						
	BJ						
	BK						
	BL						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BM							
	BN							
	BO							
	BP							
	BQ							

## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	BR		
	BS		
	BT		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.